

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:15-CV-276-D

FILTALERT CORPORATION,)
)
Plaintiff,)
v.)
)
INTERNATIONAL BUSINESS)
MACHINES CORPORATION, and)
LENOVO (UNITED STATES) INC.,)
)
Defendants.)


ORDER

On October 19, 2015, Filtalert Corporation (“Filtalert” or “plaintiff”) moved to strike Lenovo (United States) Inc.’s (“Lenovo”) affirmative defenses and dismiss its counterclaims. See [D.E. 33]. On October 26, 2015, Filtalert moved to strike International Business Machines Corporation’s (“IBM”) affirmative defenses and dismiss its counterclaims. See [D.E. 38]. Lenovo and IBM responded in opposition. See [D.E. 49, 51].

The court has reviewed Filtalert’s motions under the governing standards. See Fed. R. Civ. P. 12(b)(6), (f). The motions lack merit and are denied. Likewise, the court denies Filtalert’s motion to strike IBM’s five affirmative defenses in IBM’s second amended answer [D.E. 89] and to strike Lenovo’s eleven affirmative defenses in Lenovo’s first amended answer. See [D.E. 91].

In sum, Filtalert’s motions to strike and to dismiss [D.E. 33, 38, 89, 91] are DENIED.

SO ORDERED. This 21 day of June 2016.



JAMES C. DEVER III
Chief United States District Judge